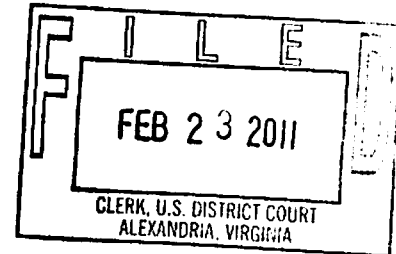


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION



KENNETH HINTON,

Plaintiff,

v.

BARCLAYS BANK DELAWARE,

Defendant.

Civil Action No. 1:11cv186
LO/TCB

DEFENDANT'S NOTICE OF REMOVAL

DEFENDANT BARCLAYS BANK DELAWARE ("Barclays"), by Counsel files this Notice of Removal pursuant to 28 U.S.C. §§ 1441(b) and 1446(a) and, in support thereof, respectfully shows the Court as follows:

Procedural Background

1. Kenneth Hinton is the plaintiff. Barclays is named as the defendant.
2. On January 21, 2011, Plaintiff filed a Complaint (Warrant in Debt) in the General District Court of Arlington County, Virginia, alleging that Barclays violated the Fair Credit Reporting Act, 15 U.S.C. 1681, *et seq.* ("FCRA"). A copy of the Complaint in the State Court Action is attached hereto as Exhibit A.
3. Barclays was served with Plaintiff's Complaint on January 28, 2011. This Notice of Removal is being filed within the thirty (30) day time period required by 28 U.S.C. § 1446(b).

Grounds for Removal

4. This Court has original jurisdiction over this case pursuant to 28 U.S.C. § 1331, in that this is a civil action arising under the Constitution, laws or treaties of the United States; specifically the FCRA, as follows:

(a) Plaintiff's Complaint, on its face, alleges a violation of the FCRA. *See* Exhibit A.

(b) The FCRA, pursuant to 15 U.S.C. § 1681(p), provides that any action alleging a violation of its provisions "may be brought in any appropriate United States district court without regard to the amount in controversy . . ."

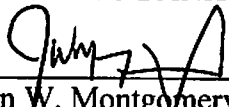
5. Simultaneous with the filing of this Notice of Removal, Barclays gives written notice of the removal to the plaintiff and to the Clerk of the Court in the State Court Action, as required by 28 U.S.C. § 1446(d).

6. Attached hereto, as Exhibit B, are copies of documents, related to this action, which were filed in the State Court.

WHEREFORE, Barclays requests that this case be removed to this Court.

Respectfully submitted this 22nd day of February, 2011.

BARCLAYS BANK DELAWARE,




John W. Montgomery, Jr.
Virginia State Bar No. 37149
Counsel for Barclays Bank Delaware
MONTGOMERY & SIMPSON, LLP
2116 Dabney Road, Suite A-1
Richmond, Virginia 23230
Telephone: (804) 355-8744
Facsimile: (804) 355-8748
Email: jmontgomery@jwm-law.com

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing by depositing a copy of the same in the United States Mail, first class postage prepaid, addressed to pro se plaintiff, Kenneth Hinton as follows:

Kenneth Hinton
2200 Wilson Boulevard
Suite 102-004
Arlington, Virginia 22201-3397

Dated: February 22, 2011.



John W. Montgomery, Jr.
Virginia State Bar No. 37149
Counsel for Barclays Bank Delaware
MONTGOMERY & SIMPSON, LLP
2116 Dabney Road, Suite A-1
Richmond, Virginia 23230
Telephone: (804) 355-8744
Facsimile: (804) 355-8748
Email: jmontgomery@jwm-law.com

**IN THE GENERAL DISTRICT COURT FOR ARLINGTON COUNTY,
VIRGINIA**

KENNETH HINTON
Plaintiff,

vs.

BARCLAYS BANK DELAWARE, et al
Defendant,

Civil Case No. GV11-000479

Serve: Lloyd M. Wirshba, CEO

SUMMONS IN A WARRANT IN DEBT CIVIL ACTION

TO: Defendant,
c/o Lloyd M. Wirshba, CEO
Barclays Bank Delaware, et al
100 S. West Street
Wilmington, DE 19802

Pursuant to Commonwealth of Virginia VA Code Section 16.1-79, you are hereby summoned to appear before this Court on **March 7, 2011 at 2:00 p.m.** at the Arlington County General District Court, located at 1425 North Courthouse Road, Arlington, VA 22201 regarding a **Warrant In Debt** (Civil Claim for Money) lawsuit that has been filed against **Barclays Bank Delaware, et al** in the above captioned case.

You may settle this claim prior to your court date with the plaintiff whose name and address is as follows:

KENNETH HINTON, Plaintiff,
2200 WILSON BLVD., SUITE 102-004
ARLINGTON, VA 22201-3397

You are not required to appear, however, if you fail to appear, judgment may be entered against **Barclays Bank Delaware, et al** in the amount of \$3,500.00, accordingly.

Date: January 24, 2011

Office of the Clerk of Court

EXHIBIT A

WARRANT IN DEBT (CIVIL CLAIM FOR MONEY)

Commonwealth of Virginia VA CODE § 16.1-79

ARLINGTON

General District Court

CITY OR COUNTY

1425 NORTH COURTHOUSE ROAD, ARLINGTON, VA 22201

STREET ADDRESS OF COURT

TO ANY AUTHORIZED OFFICER: You are hereby commanded to summon the Defendant(s).

TO THE DEFENDANT(S): You are summoned to appear before this Court at the above address on

March 7th 2011

RETURN DATE AND TIME

to answer the Plaintiff(s)' civil claim (see below)

1/21/11

DATE ISSUED

[Signature]

[] CLERK [x] DEPUTY CLERK [] MAGISTRATE

CLAIM: Plaintiff(s) claim that Defendant(s) owe Plaintiff(s) a debt in the sum of

\$ 3,500.00 net of any credits, with interest at 6.00 % from date of 12/31/10 until paid.

\$ 0.00 costs and \$ 0.00 attorney's fees with the basis of this claim being

[] Open Account [] Contract [] Note [x] Other (EXPLAIN)

DEFENDANT HAS CAPRICIOUSLY BREACHED THE FCRA, 15 U.S.C. 1681, et seq. BY ITS REPORTING OF THREE CREDIT INQUIRIES ON MY NATIONAL CREDIT BUREAU REPORT PROFILES WITHOUT ANY PERMISSIBLE PURPOSES IN ACCORDANCE WITH MY AUTHORIZATION, CONSENT OR PERMISSION AS A PROXIMATE RESULT OF ME BEING A VICTIM OF IDENTITY FRAUD AND THEFT. DEFENDANT HAS BEEN INFORMED AND NOTIFIED ON NUMEROUS OCCASIONS THAT PLAINTIFF IS A VICTIM OF IDENTITY FRAUD THEFT AND DEFENDANT MALICIOUSLY AND CAPRICIOUSLY CONTINUES TO REPORT CREDIT INQUIRIES WITHOUT JUST CAUSE PER NUMEROUS DISPUTES OF PLAINTIFF WHICH HAS FURTHER DAMAGED PLAINTIFF'S CREDIT WORTHINESS AND EXCELLENT CREDIT SCORES.

HOMESTEAD EXEMPTION WAIVED? [] YES [] NO [x] cannot be demanded

1/21/2011

DATE

[x] PLAINTIFF [] PLAINTIFF'S ATTORNEY [] PLAINTIFF'S EMPLOYEE/AGENT

CASE DISPOSITION

JUDGMENT against [] named Defendant(s) []

for \$ net of any credits, with interest at % from date

of until paid, \$ costs and \$ attorney's fees

HOMESTEAD EXEMPTION WAIVED? [] YES [] NO [] CANNOT BE DEMANDED

[] JUDGMENT FOR [] NAMED DEFENDANT(S) []

[] NON-SUIT [] DISMISSED

Defendant(s) Present? [] YES

[] NO

DATE

JUDGE

CASE NO.

11-479

HINTON, KENNETH

PLAINTIFF(S) (LAST NAME, FIRST NAME, MIDDLE INITIAL)

KENNETH HINTON

2200 WILSON BLVD, SUITE 102-004

ARLINGTON, VA 22201-3397

v.

BARCLAYS BANK DELAWARE

DEFENDANT(S) (LAST NAME, FIRST NAME, MIDDLE INITIAL)

c/o: LLOYD M. WIRSHBA, CEO

100 S. WEST STREET

WILMINGTON, DE 19802

WARRANT IN DEBT

TO DEFENDANT: You are not required to appear; however, if you fail to appear, judgment may be entered against you. See the additional notice on the reverse about requesting a change of trial location.

[] To dispute this claim, you must appear on the return date to try this case.

[] To dispute this claim, you must appear on the return date for the judge to set another date for trial.

Bill of Particulars

ORDERED

DUE

Grounds of Defense

ORDERED

DUE

ATTORNEY FOR PLAINTIFF(S)

PRO SE

ATTORNEY FOR DEFENDANT(S)

N/A

HEARING DATE
AND TIME3-7-11
2:00 pmJUDGMENT PAID OR
SATISFIED
PURSUANT TO
ATTACHED NOTICE
OF
SATISFACTION.

DATE

CLERK

**DISABILITY
ACCOMMODATIONS**
for loss of hearing,
vision, mobility, etc..
contact the court ahead
of time.

RETURNS: Each defendant was served according to law, as indicated below, unless not found.

NAME <u>c/o: LLOYD M. WIRSHBA, CEO</u>	
<u>BARCLAYS BANK DELAWARE</u>	
ADDRESS <u>100 S. WEST STREET</u>	
<u>WILMINGTON, DE 19802</u>	
<input checked="" type="checkbox"/> PERSONAL SERVICE	Tel. No. <u>302-888-0405</u>
Being unable to make personal service, a copy was delivered in the following manner:	
<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.	
<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)	
<input type="checkbox"/> Served on Secretary of the Commonwealth	
<input type="checkbox"/> NOT FOUND	SERVING OFFICER _____
DATE _____	for _____

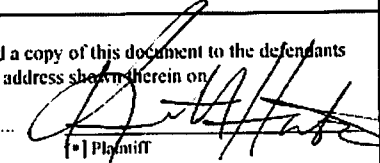
NAME _____	
ADDRESS _____	
<input type="checkbox"/> PERSONAL SERVICE	Tel. No. _____
Being unable to make personal service, a copy was delivered in the following manner:	
<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.	
<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)	
<input type="checkbox"/> Served on Secretary of the Commonwealth	
<input type="checkbox"/> NOT FOUND	SERVING OFFICER _____
DATE _____	for _____

NAME _____	
ADDRESS _____	
<input type="checkbox"/> PERSONAL SERVICE	Tel. No. _____
Being unable to make personal service, a copy was delivered in the following manner:	
<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.	
<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)	
<input type="checkbox"/> Served on Secretary of the Commonwealth	
<input type="checkbox"/> NOT FOUND	SERVING OFFICER _____
DATE _____	for _____

OBJECTION TO VENUE:

To the Defendant(s): If you believe that Plaintiff(s) should have filed this suit in a different city or county, you may file a written request to have the case moved for trial to the general district court of that city or county. To do so, you must do the following:

1. Prepare a written request which contains (a) this court's name, (b) the case number and the "return date" as shown on the other side of this form in the right corner, (c) Plaintiff(s)' name(s) and Defendant(s)' name(s), (d) the phrase "I move to object to venue of this case in this court because" and state the reasons for your objection and also state in which city or county the case should be tried, and (e) your signature and mailing address.
2. File the written request in the clerk's office before the trial date (use the mail at your own risk) or give it to the judge when your case is called on the return date. Also send or deliver a copy to plaintiff.
3. If you mail this request to the court, you will be notified of the judge's decision.

I certify that I mailed a copy of this document to the defendants named therein at the address shown therein on	
January 21, 2011	
DATE	<input checked="" type="checkbox"/> Plaintiff
	<input type="checkbox"/> Plaintiff's Atty.
	<input type="checkbox"/> Plaintiff's Agent
Fi. Fa. issued on _____	
Interrogatories issued on _____	
Garnishment issued on _____	

IN THE GENERAL DISTRICT COURT FOR ARLINGTON COUNTY,
VIRGINIA

KENNETH HINTON,

Plaintiff,

v.

BARCLAYS BANK DELAWARE,

Defendant.

Civil Case No. GV11-000479

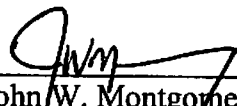
NOTICE TO STATE COURT OF REMOVAL

Please take notice that on February 22, 2011, Defendant Barclays Bank Delaware ("Barclays") filed a Notice of Removal in the Office of the Clerk of the United States District Court for the Eastern District of Virginia. A copy of that Notice of Removal is attached hereto as Exhibit "A." Please take further notice that pursuant to 28 U.S.C. §1446, the filing of the Notice of Removal in the United States District Court, together with the filing of that notice with the Clerk of this Court, effects the removal of the above-styled action to the United States District Court, and this Court may proceed no further unless and until the case is remanded.

Respectfully submitted this 22nd day of February, 2011.

Respectfully Submitted,

BARCLAYS BANK DELAWARE,



John W. Montgomery (VSB #37149)
MONTGOMERY & SIMPSON, LLP
2116 Dabney Road, Suite A-1
Richmond, Virginia 23230
Telephone: (804) 355-8744
Facsimile: (804) 355-8748

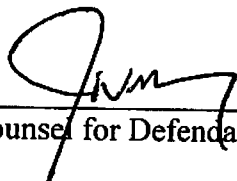
EXHIBIT B

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing by depositing a copy of the same in the United States Mail, first class postage prepaid, addressed to pro se plaintiff, Kenneth Hinton as follows:

Kenneth Hinton
2200 Wilson Boulevard
Suite 102-004
Arlington, Virginia 22201-3397

Dated: February 22, 2011.



Counsel for Defendant, Barclays Bank Delaware